



COUNTY OF SAN LUIS OBISPO

Cannabis Land Use Regulations

October 3, 2017



COUNTY OF SAN LUIS OBISPO

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Proposed Order of Hearing

- Staff Presentation
- Board Questions
- Public Comments & Staff Response
- Board Discussion
 - Exemptions
 - Cultivation & Nurseries (# of operations and operations per site)
 - Manufacturing
 - Dispensaries
 - Testing, Distribution
 - Requirements for All Cannabis Activities
 - OTHER
 - definitions, planning area standards, revocation/enforcement



Background



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General Plan

- General Plan
 - Land Use and Circulation Element (inland & coastal)
 - Framework for Planning
 - Local Coastal Plan
 - Area Plans
 - Community/Village Plans
 - Official Maps
- Local Coastal Program
- County Code
 - 26 Titles
 - Title 22 & Title 23
 - Land Use Ordinance & Coastal Zone Land Use Ordinance
 - Permissive Zoning Ordinances



Amendment Process

- Authorization by BOS
 - December 2015
- Environmental Review
- Planning Commission
 - Recommendation to BOS
- **BOS Public Hearing**
- California Coastal Commission
 - Approve
 - Deny or Modify
 - BOS Accept
 - BOS Not Accept



Current County Regulations

- Permissive Zoning Ordinance
 - Dispensaries
- Interim/Urgency Ordinance
 - 455 applied
 - 331 approved
 - 124 denied/withdrawn
- Permanent Land Use Regulations
 - December 2015
 - February 2017
 - May 2017
 - June 2017
 - August 2017 – Public Hearing Draft

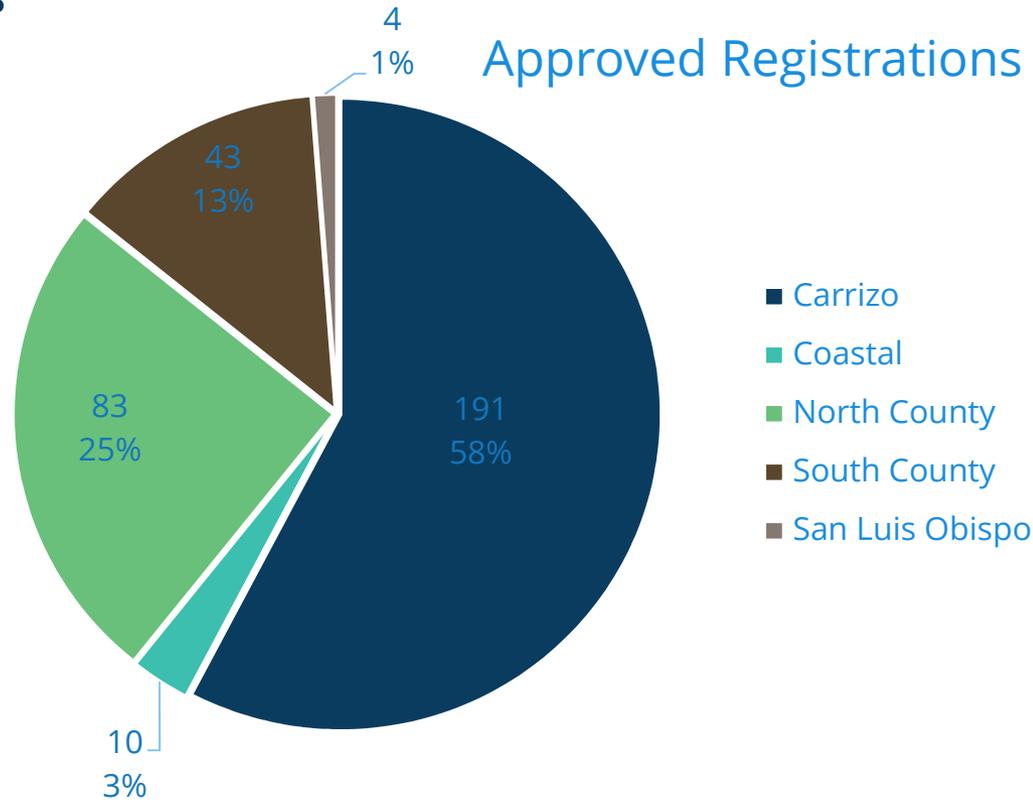


Current County Regulations

- 455 attempted registrations
- 331 approved
- 92.25 acres canopy
- 168,776 plants

- 15 indoor
- 41 indoor & outdoor
- 276 outdoor

- 159 personal
- 140 cooperative
- 28 caregiver
- 5 uncategorized



Medicinal and Adult-Use Cannabis Regulation and Safety Act



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Responsible State Agencies

- Bureau of Cannabis Control
 - Dept. of Consumer Affairs
 - Administer and enforce
 - Transportation, storage, distribution, sales
- Department of Pesticide Regulation
 - Standards for pesticide use
- Department of Food and Agriculture
 - Cultivation and nurseries
 - Track and Trace program
- Department of Public Health
 - Manufacturing and testing



Personal Exemptions

- Qualified Patients
 - 18 and older
 - Does not provide, sell, donate, or distribute to other persons
- Primary Caregivers
 - Grow for qualified patients
 - 5 or fewer
 - As defined by State law
- Personal Use
 - 21 and older
 - 6 plants / 100 square-feet



License Types

- 20 license types
 - 14 cultivation
 - 2 manufacturing
 - 1 testing
 - 1 retailer
 - 1 distributor
 - 1 microbusiness
- M (medical) & A (adult-use)
- Valid for 12 months, renewed annually



License Types

- (1) Type 1—Cultivation; Specialty outdoor; Small.
- (2) Type 1A—Cultivation; Specialty indoor; Small.
- (3) Type 1B—Cultivation; Specialty mixed-light; Small.
- (4) Type 1C—Cultivation; Specialty cottage; Small.
- (5) Type 2—Cultivation; Outdoor; Small.
- (6) Type 2A—Cultivation; Indoor; Small.
- (7) Type 2B—Cultivation; Mixed-light; Small.
- (8) Type 3—Cultivation; Outdoor; Medium.
- (9) Type 3A—Cultivation; Indoor; Medium.
- (10) Type 3B—Cultivation; Mixed-light; Medium.
- (11) Type 4—Cultivation; Nursery.
- (12) Type 5—Cultivation; Outdoor; Large.
- (13) Type 5A—Cultivation; Indoor; Large.
- (14) Type 5B—Cultivation; Mixed-light; Large.
- (15) Type 6—Manufacturer 1.
- (16) Type 7—Manufacturer 2.
- (17) Type 8—Testing laboratory.
- (18) Type 10—Retailer.
- (19) Type 11—Distributor.
- (20) Type 12—Microbusiness.



Cultivation

- 14 license types
 - Types of cultivation
 - Outdoor
 - Indoor (A)
 - Mixed-light (B)
 - Type 1 - Up to 5,000 sf
 - Type 1C - 2,500 sf mixed-light / 25 plants outdoor / 500 sf indoor
 - Type 2 - Up to 10,000 sf
 - Type 3 - Up to 22,000 sf (indoor) / up to 1 acre (outdoors)
 - Type 4 – Nursery (no limit)
 - Type 5 - Greater than 22,000 sf (indoor) / 1 acre (outdoor)



Manufacturing

- Type 6 – Nonvolatile
- Type 7 – Volatile
 - “a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures”
 - Explosive gases
 - Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂, H₂
 - Poisons, toxins, or carcinogens
 - Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, Tri-chloro-ethylene



Testing and Distributor

- Type 8 – Testing Laboratory
 - Cannot hold other licenses
 - Does not have an “A” or “M” designation
 - No retail without certification
- Type 11 – Distributor
 - Middleman
 - Moves product through chain
 - Need for transporting



Retailer and Microbusiness

- Type 10 – Retailer
 - Dispensary
 - Requires licensed physical premises
 - May be non-public
 - Deliveries allowed
- Type 12 – Microbusiness
 - Cultivator (10,000 sf or less)
 - Distributor
 - Nonvolatile manufacturer
 - Retailer



Vertical Integration

- No prohibition on vertical integration
- Exceptions
 - Type 5 (large) cultivators
 - No testing or distribution
 - Type 8 testing laboratories
 - Stand alone license



Local Permits Required

- Dual licensing
- Requires a local license, permit, authorization
- Local government to provide info to State
- States to provide localities all applications
 - 60 days to respond if non-compliance



CEQA Exemption

- Implementing ordinances exempt from CEQA
 - Must adopt by July 1, 2019
 - Requires discretionary permits
 - CEQA review



Other Provisions

- Setbacks from schools
 - Cultivation & dispensaries
 - 600 foot radius
 - Smoking lounges
 - 1,000 feet
- SB 420 Sunset Clause for Collective
 - MAUCRSA allows 3+ people to form cooperatives
- Enforcement and Penalties
 - Infraction & fines
 - Civil penalties
 - Destruction of product



Taxation

- Excise Tax
 - 15% of average market price
 - Retail sales (dispensaries)
- Cultivation Tax
 - \$9.25 per dry-weight ounce (adult-use)
 - \$2.75 per dry-weight ounce trim (adult-use)
- State Sales Tax
 - \$7.25
- Local Tax
 - BOS July 25, 2017



AB 133

- Requires the State to presume a person who provides proof of local authorization is in compliance with local rules.
- Removes requirement that a person with multiple licenses keep each licensed premise separate and distinct.
 - Allows manufacturers to manufacture both medicinal and adult-use cannabis or cannabis products.
 - Allows 18-and-under in adult-use dispensaries if they possess medical cards and the adult-use dispensary is the same premise as medicinal dispensary.



Neighboring Jurisdictions



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Neighboring Jurisdictions

- County of Santa Barbara
- County of Monterey
- County of Kern
- City of Arroyo Grande
- City of Grover Beach
- City of San Luis Obispo
- City of Paso Robles
- City of Atascadero
- City of Pismo Beach
- City of Morro Bay



Proposed Land Use Regulations

Planning Commission Recommendation Drafts - October 2017



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Inland v. Coastal Amendments



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Inland Amendments

- Allowable Use Table 2-2 in T22
 - Section 1
- Definitions in T22
 - Section 3
- New Chapter 22.40 in T22
 - Part of Article 4 – Specific Use Standards
 - Section 4
- Planning Area Standards in T22
 - Sections 6 - 34



Coastal Amendments

- Allowable Use Table “O” in Framework for Planning
 - Section 1
- Definitions in Framework for Planning
 - Section 2
- New Sections 23.08.420 – 23.08.432 in T23
 - Special Use Standards
 - Section 3
- Planning Area Standards in Framework for Planning
 - Sections 4 - 18



Amendments to Table 2-2 and Table O

- Table 2-2 (inland)
 - New use
 - “Cannabis Activities”
 - Agriculture, Resource, and Open Space
 - Footnote 4
 - A2 use (22.40)
 - Delete use
 - Medical Marijuana Dispensaries (Retail Trade)
- Table O (coastal)
 - New use group (L)
 - Cannabis Uses
 - “S” use
 - S-21 (23.08.420)



CEQA/Environmental Review



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CEQA

- Statutory Exemption
 - SB94
 - Section 26055(h) of CA Business and Professions Code
 - CEQA does not apply to local ordinance
- Limitation
 - Discretionary permit approval
 - Minor Use Permits
 - Conditional Use Permit / Development Plans
 - CEQA review on each permit
 - All cannabis activities
 - Does not apply to “Exempted” activities



Definitions



Cannabis

- “Cannabis” or “cannabis product” means any and all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof, the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufactured product, salt, derivative, mixture, tincture, tea, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis plants. “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code for medical or non-medical purposes. For the purposes of this Title, “cannabis” does not include “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code (See “Industrial Hemp”).



Industrial Hemp

- A fiber or oilseed crop, or both, that is limited to non-psychoactive types of the plant *Cannabis sativa* L. and the seed produced therefrom, having no more than three-tenths of one (1) percent tetrahydrocannabinol (THC) contained in the dried flowering tops, and that is cultivated and processed exclusively for the purpose of producing the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin or flowering tops extracted therefrom, fiber, oil, or cake, or the sterilized seed, or any component of the seed, of the plant that is incapable of germination. “Industrial hemp” also includes edible and topical products produced from the plant *Cannabis sativa* L. and the seed produced therefrom, having no more than three-tenths of one (1) percent tetrahydrocannabinol (THC) contained in the dried flowering tops.



Crop Production and Grazing (land use)

- Agricultural uses including production of grains, field crops, industrial hemp, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure. Does not include the production of cannabis, which is included under "Cannabis Cultivation". Also includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include cattle feedlots, which are included under "Animal Facilities." The distinction between feedlots and grazing operations is established by Chapter 22.30. See also, "Animal Keeping."



Cannabis Activity

- The cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis or a cannabis product. “Cannabis activity” includes the following land uses: cannabis cultivation, cannabis nurseries, cannabis manufacturing, cannabis testing facilities, cannabis dispensaries, and cannabis distribution facilities.



Cannabis Cultivation

- Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.



Cannabis Cultivation Operation

- Authorized cannabis cultivation for which there is an approved and effective (not expired) land use permit and the operator processes any required state license. Each cultivation operation shall be limited in size per state law (one acre at the time of ordinance adoption).



Cannabis Dispensary

- A facility where cannabis, cannabis products, or devices specifically for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.



Cannabis Dispensary

- **Mobile Delivery.** The commercial transfer of cannabis or cannabis products from a dispensary, up to an amount allowed by the Bureau of Cannabis Control or its successor, to a primary caregiver, qualified patient, or customer. “Mobile Delivery” also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables a primary caregiver or qualified patient to arrange for or facilitate the commercial transfer by a licensed dispensary of cannabis or cannabis products.



Cannabis Dispensary

- **Mobile Dispensary.** The commercial transfer of cannabis or cannabis products from an outdoor location or mobile structure (e.g. food truck or food cart), up to an amount allowed by the Bureau of Cannabis Control or its successor, to a primary caregiver or qualified patient.



Cannabis Greenhouse

- A fully enclosed permanent structure that is clad in transparent or translucent material with climate control, such as heating and/or ventilation capabilities, and/or supplemental artificial lighting, and that uses a combination of natural and/or artificial lighting (mixed-light) for cultivation. For the purposes of this Chapter, cannabis cultivation within a greenhouse is considered indoor cultivation. For the purposes of obtaining licenses, cannabis cultivation within a greenhouse can be considered indoor or mixed-light cultivation.



Cannabis Hoop Structure

- A readily removable plastic or fabric covered hoop structure without in-ground footings or foundations, which are not more than 12 feet in height and do not have vertical sides exceeding 4 feet in height. The ends of the hoops structure must be open and no framing other than the hoops is allowed. Cannabis hoop structures can be accessory uses in residential land use categories and shall not exceed 120 square-feet in floor area. For the purposes of this Chapter, and for the purposes of obtaining licenses, cannabis cultivation within hoop structures is considered outdoor cultivation.



Cannabis Nursery

- A site that produces only clones, immature plants, seeds, or other agricultural products used specifically for the planting, propagation, and cultivation of cannabis. Cultivation as a cannabis nursery may be considered indoor or mixed-light cultivation (see “cannabis greenhouse”) or outdoor cultivation (see “cannabis hoop structure”).



Other Definitions

- Cannabis Canopy
- Cannabis Distribution
- Cannabis Edible and Topical Product
- Cannabis Manufacturing (Volatile)
- Cannabis Manufacturing (Non-Volatile)
- Cannabis Primary Caregiver
- Cannabis Testing Facility
- Cannabis Transport
- Cannabis Hearing Officer



Clarifications

- Cultivation
 - Not hemp
- Nursery
 - Use type
- Greenhouse
 - Structure
 - Indoor cultivation
- Hoop House
 - Structure
 - Outdoor cultivation
- Permits
- Licenses

Site.

“Any lot or parcel of land or contiguous combination thereof, under the same ownership, or with the contiguous owners written consent, where grading or other use or activity regulated by this Title is performed or permitted.”



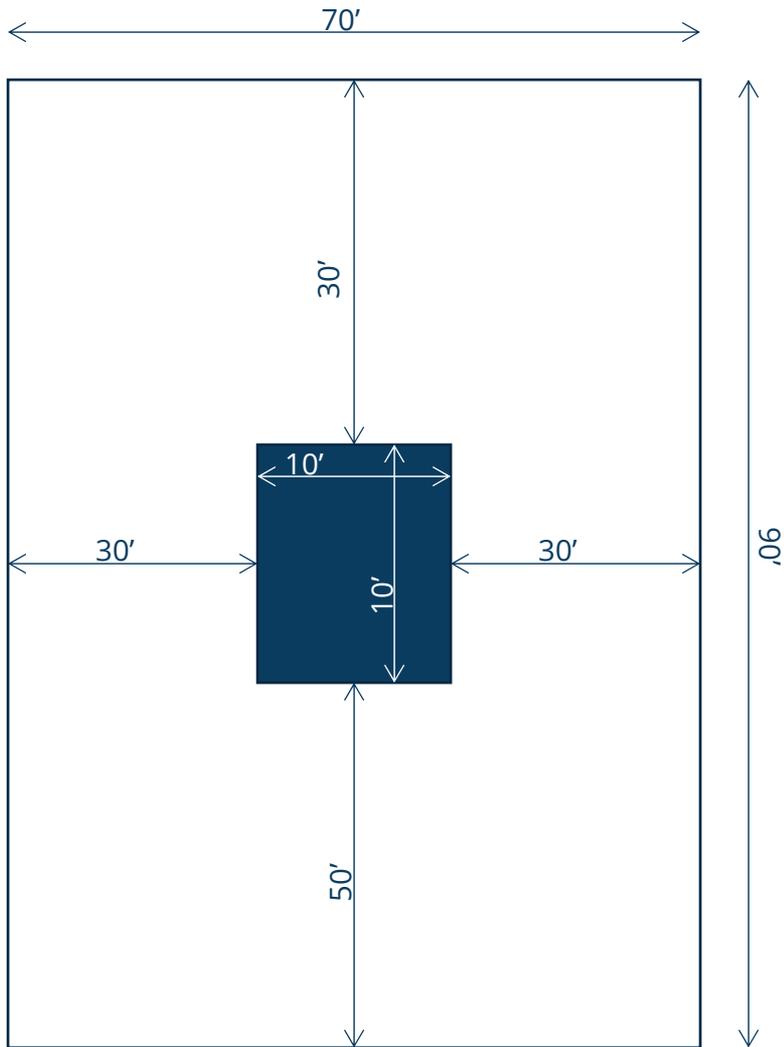
Exempted Activities



Exempted Activities

- No land use permit required
- Non-commercial
- Personal Cultivation
 - 6 plants (flowering and immature) per dwelling/site
- Caregiver Cultivation
 - 6 plants (flowering and immature) per qualified patient per site
 - Limit 5 patients per caregiver
 - Business license required
- Accessory to residential use
- Standards required
 - Odor
 - Screening
 - Pesticides





Cultivation: $10' \times 10' = 100 \text{ feet}^2$

Parcel Size: $70' \times 90' = 6,300 \text{ feet}^2$
 $= 0.14 \text{ acres}$

Outdoor Exempt Setbacks



Cannabis Activities



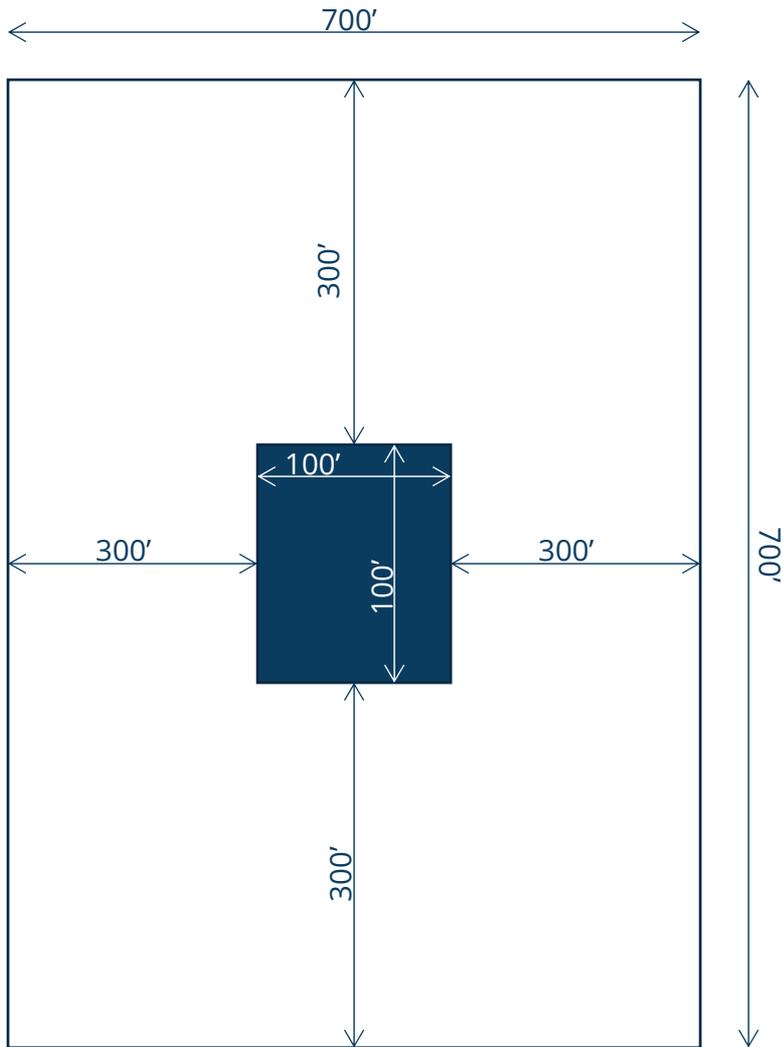
Cultivation



Cultivation

- Where: AG, RL, RR, IND
 - IND indoors only
- Permit: Minor Use Permit
- Cap: 50 outdoor operations (no cap on indoor)
- Expiration: 7 years (renewal allowed)
- Setbacks
 - Indoor: per LUO/CZLUO
 - Outdoor: 300 feet from PL
 - Other residences: 100 feet
 - 50 feet from riparian vegetation
- Separation
 - 1,000 feet from schools, parks, etc.





Cultivation: $100' \times 100' = 10,000 \text{ feet}^2$

Parcel Size: $700' \times 700' = 490,000 \text{ feet}^2$
 $= 11.25 \text{ acres}$

Outdoor Cultivation Setbacks



Limit on Cultivation

- 50 outdoor operations at any one time
- Distributed by planning area
 - Only AG, RL, RR, IND parcels
 - Coastal includes Estero, North Coast, San Luis Bay-Coastal, South County-Coastal
 - Expressed as percentage of parcels of the total

North County	30 29
San Luis Obispo	3
South County	11
Coastal Planning Areas (combined)	7
(Estero, North Coast, San Luis Bay-Coastal, South County-Coastal)	
Carrizo	Prohibited



Cannabis Cultivation Operation

- Authorized cannabis cultivation for which there is an approved and effective (not expired) land use permit and the operator processes any required state license. Each cultivation operation shall be limited in size per state law (one acre at the time of ordinance adoption).



Standards

- Minimum Site Area
- Water Offset
 - Basins at LOS III
- Screening
- Renewable Energy
- Odors
- Pesticides
- Use of Residence
- Monitoring Program



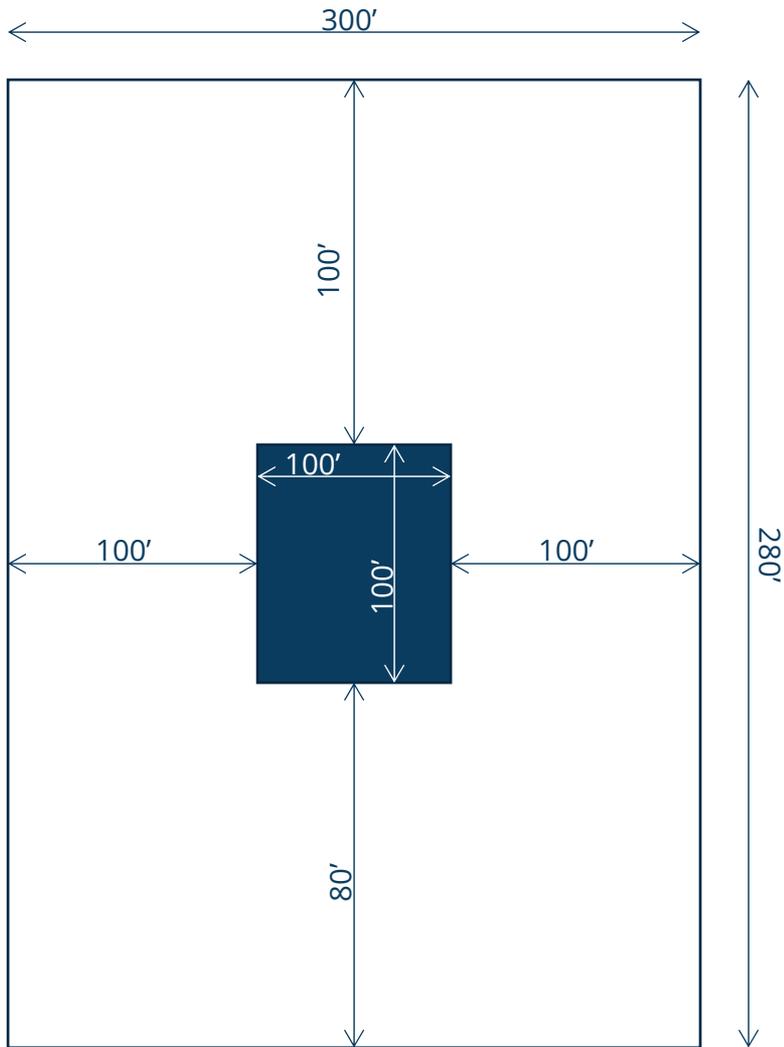
Nurseries



Nurseries

- Where: AG, RL, RR, IND
 - IND and RR indoors only
- Permit: Minor Use Permit
 - Conditional Use Permit \geq 75,000 sf in RR
- Cap: N/A
- Expiration: N/A
- Setbacks
 - AG/RL/IND: per LUO/CZLUO
 - RR: 80 feet (front), 100 feet (side & rear)
 - Other residences: 100 feet
 - 50 feet from riparian vegetation
- Separation
 - 1,000 feet from schools, parks, etc.





Cultivation: $100' \times 100' = 10,000 \text{ feet}^2$

Parcel Size: $300' \times 280' = 84,000 \text{ feet}^2$
 $= 1.93 \text{ acres}$

Residential Rural Nursery Setbacks



Standards

- Minimum Site Area
- Air Quality
- Water Offset
- Screening
- Renewable Energy
- Odors
- Pesticides
- Use of Residence
- **Coastal Zone Only:** no greenhouses on > 15% slopes



Manufacturing



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Manufacturing

- Where: AG, RL, CS, IND
 - **Coastal Zone Only:** AG on non-prime soils only
- Permit: Minor Use Permit
 - Conditional Use Permit \geq 40,000 sf or any volatile
- Cap: N/A
- Expiration: N/A
- Setbacks
 - Per LUO/CZLUO
- Separation: 600 feet from schools, parks, etc.



Standards

- Limitation
 - Volatile Manufacturing in IND only
- AG and RL
 - Allowed with off-site cannabis
- Odors



Testing



Testing

- Where: CS, IND
- Permit: Minor Use Permit
 - Conditional Use Permit \geq 20,000 sf
- Cap: N/A
- Expiration: N/A
- Setbacks
 - Per LUO/CZLUO
- Separation: 600 feet from schools, parks, etc.



Dispensaries



Dispensaries

- Where: CR, CS, IND
 - CR –open to public
 - CS – open or not open to public
 - IND – not open to public
- Permit: Minor Use Permit
- Cap: N/A
- Expiration: N/A
- Setbacks
 - Per LUO/CZLUO
- Separation: 1,000/600 feet from schools, parks, etc.



Standards

- Limitation
 - Mobile Dispensaries prohibited
- Hours of Operation
 - 10:00 am to 8:00 pm
- Surveillance Cameras
 - Real-time feed to Sheriff's Office



Distribution Facilities



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Distribution Facilities

- Where: CS, IND
- Permit: Minor Use Permit
 - Conditional Use Permit \geq 40,000 sf
- Cap: N/A
- Expiration: N/A
- Setbacks
 - Per LUO/CZLUO
- Separation: 600 feet from schools, parks, etc.



Land Use Categories



Allowed Land Use Categories

- Agriculture
 - Cultivation, Nurseries, Manufacturing
- Rural Lands
 - Cultivation, Nurseries, Manufacturing
- Residential Rural
 - Cultivation, Nurseries
- Industrial
 - Cultivation, Nurseries, Manufacturing, Testing, Dispensaries, Distribution
- Commercial Service
 - Manufacturing, Testing, Dispensaries, Distribution
- Commercial Retail
 - Dispensaries



Commercial Activities in Residential

- Purpose and Character Statements
- Residential Rural
 - Low-density residential
 - Compatible with agriculture
 - Allows limited non-residential uses and some commercial
- Other Residential
 - Do not allow for non-residential uses



Requirements for All Cannabis Activities



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Conditional Use Permit

- Vertical Integration
 - More than one cannabis activity on a site
- Previous Violation
 - Cannabis-related
 - Past 24 months



Security

- Security measures sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained.
 - Prevent individuals from loitering on the premises if they are not engaging in activity expressly related to the operations of the facility
 - Store all cannabis in a secured and locked structure or behind a secured and locked fence, and all cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss.



Pesticides

- Approved cannabis cultivation operations employing the use of pesticides shall also obtain the appropriate pesticide use permitting from the Department of Agriculture / Weights and Measures.



Pesticides

Table 1. Active ingredients that are exempt from residue tolerance requirements^a and either exempt from registration requirements^b or registered for a use broad enough to include use on marijuana.

ACTIVE INGREDIENT	PEST OR DISEASE
azadirachtin ^a	aphids, whiteflies, fungus gnats, leafminers, cutworms
<i>Bacillus subtilis</i> QST ^{a1}	root diseases, powdery mildew
<i>Bacillus thuringiensis</i> ^{a2} subsp. <i>aizawai</i> or <i>kurstaki</i>	moth larvae (e.g., cutworms, budworms, borer)
<i>Bacillus thuringiensis</i> ^{a2} subsp. <i>israelensis</i>	fly larvae (e.g., fungus gnats)
<i>Beauveria bassiana</i> ^{a3}	whiteflies, aphids, thrips
cinnamon oil ^b	whiteflies
<i>Gliocladium virens</i> ^{a1}	root diseases
horticultural oils ^a (petroleum oil)	mites, aphids, whiteflies, thrips; powdery mildew
insecticidal soaps ^a (potassium salts of fatty acids)	aphids, whiteflies, cutworms, budworms
iron phosphate ^a , sodium ferric EDTA ^a	slugs and snails
neem oil ^a	mites; powdery mildew
potassium bicarbonate ^a ; sodium bicarbonate ^a	powdery mildew
predatory nematodes ^a	fungus gnats
rosemary + peppermint essential oils ^b	whiteflies
sulfur ^a	mites, flea beetles
<i>Trichoderma harzianum</i> ^{a1}	root diseases

^a 40 CFR (Code of Federal Regulations)

^b FIFRA §25(b) and 3 CCR §6147 [FIFRA = the Federal Insecticide, Fungicide, and Rodenticide Act; CCR = California Code of Regulations]

¹ Biofungicides

² Bacterial-based insect pathogen

³ Fungal-based insect pathogen



Approvals Required

- State License
 - State Seller's License
- Land Use Permit
- Business License
 - RWQCB Clearance
 - Pesticide Permit
 - Sheriff Clearance



Revocation of Permit



Ground for Revocation

- Failure to comply with ordinance
- False information
- Denial or revocation of State license
- Denial or revocation of business license
- Conviction for possession of illegal drugs
- Conduct that constitutes a nuisance (e.g. odor)



Procedure Revocation

- Initiated by Enforcement Officer
- Revocation Hearing
 - Cannabis Hearing Officer
 - May grant additional time to resolve violation
 - Modify conditions of approval
 - Revoke land use permit and order discontinuance of use
 - Decision effective 1 week later



Enforcement



Enforcement

- Public Nuisance declared
- Violations are a misdemeanor
 - No proof of knowledge, intent, or other mental State is required to establish a violation
 - Separate offense each and every day
 - Separate violation for each and every plant
- Enforcement Hearing
 - Office of the Cannabis Hearing Officer
 - Appointed by Board
 - Licensed attorney
 - May direct Enforcement Officer to abate nuisance
 - May apply for a warrant if necessary
- Pesticides, Weights/Measures through Commissioner



Planning Area Standards





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SAN LUIS OBISPO COUNTY RURAL PLANNING AREAS AND SUB AREAS MAP

Legend

- Morro Bay Watershed Area
- Westery Watershed Area
- Planning Area Boundaries



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Planning Area Standards

- Adds or prohibits
 - Based on similar uses
- Carrizo Planning Area (entire)
 - Prohibition on all cannabis activities
- San Luis Obispo Urban Area (entire)
 - Prohibition on all cannabis activities
- Dalidio Ranch
- Inland in T22
- Coastal Zone in Framework for Planning





PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO

SAN LUIS OBISPO COUNTY RURAL PLANNING AREAS AND SUB AREAS MAP

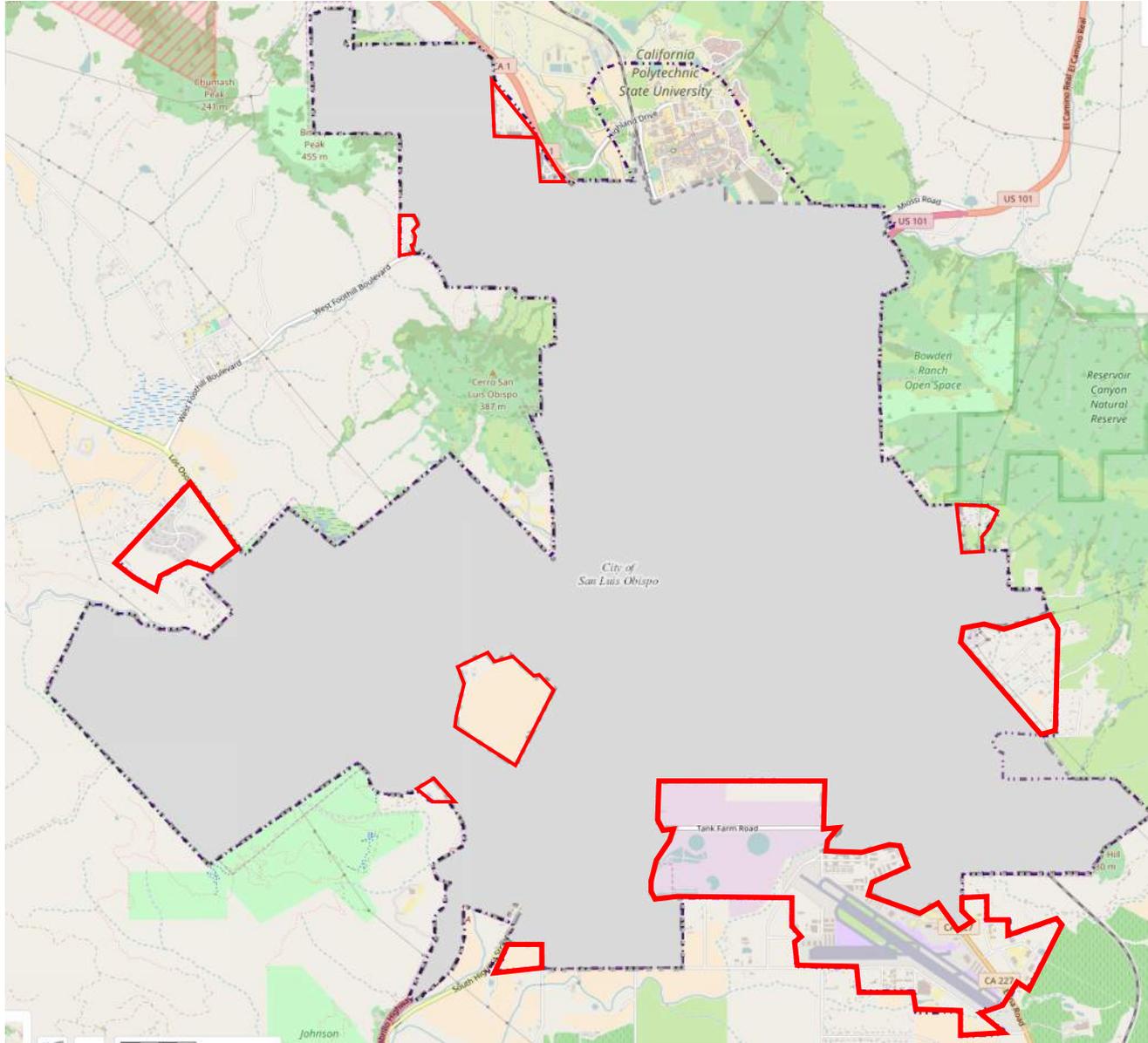
Legend

- Morro Bay Watershed Area
- Westery Watershed Area
- Planning Area Boundaries



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State Regulations v. Proposed County Standards



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	State of California (per SB 94)	County of SLO (as proposed with optional changes in Memorandum)
Exempted activities	Personal – 6 plants (can regulate indoors, can ban outdoors) Medicinal – no plant limit Caregiver – no plant limit up to 5 patients	Personal (includes medicinal) – 6 plants within 100 sf Caregiver – 6 plants per patient for up to 5 patients within 100 sf
Indoor cultivation setback from property line	None specified	Varies - per Sections 22.10.140/23.04.100;
Outdoor cultivation setback from property line	None specified	300 feet
Cooperatives / collectives	Three or more natural persons each holding a single Type 1 or Type 2; no more than four acres of canopy size throughout the State.	Not specified; up to five cannabis cultivation operations allowed per site.
Setbacks from schools, parks, etc.	Applies to all licensed cannabis premise; must not be located within 600-foot radius of schools grades 1-12, day care centers, or youth centers. Distance is measure in a horizontal straight line from property line of premise to property line of school, without regard to intervening structures.	Applies to all permitted cannabis activities; must not be located within 600-foot radius of pre-schools, elementary schools, junior high schools, high schools, libraries, parks, playgrounds, recreation or youth centers, drug/alcohol recovery facilities, or sober living facilities. Cultivation sites, nurseries, and dispensaries with storefronts open to the public are increased to 1,000 feet. Distance is measure in a horizontal straight line from nearest property line of the site to the nearest property line of school, without regard to intervening obstacles.



	State of California (per SB 94)	County of SLO (as proposed with optional changes in Memorandum)
Limitation on size of cultivation operation	Up to 1 acre outdoor Up to 22,000 sf indoor No limit on nursery	Each cultivation operation may be as large as allowed by State law. (Land use permit will list allowed canopy size for each operation.) Up to 5 cultivation operations per site.
Expiration/renewal timeline of permits	Annual license renewal	Land use permits: 7 years Business license: annual
Transfer of entitlement	At this time the State does not allow the sale or transfer of licenses. [For comparison purposes, the ABC requires that an application signed by both the present licensee and the transferee be filed with ABC. ABC then proceeds as it would on a new application and may deny the transfer if the transferee-applicant is not qualified for a license. If such transfer also involves a change of the premises, ABC's approval of the new premises is required.]	Land use permit runs with the land; business licenses can apply for a name change
Signs/Advertisement	None within 1,000 feet of day care center, school grades 1-12, playground, or youth center	No further restrictions beyond State requirement.



	State of California (per SB 94)	County of SLO (as proposed with optional changes in Memorandum)
Application Requirements	Fingerprint images; arrest and conviction record; consent of landowner; labor peace agreement (20 or more employees); State seller's permit #; bond to cover destruction cost; operations plan for cultivation, extraction and infusion methods, transportation process, inventory procedures, quality control procedures, security protocols; source of water; detailed site plan; list of persons with financial interest in the property.	Site plan; floor plan; size and nature of cannabis activity; operations plan with security measures, odor plan, sign plan, parking plan, consent of landowner, employee safety and training plan, statement of neighborhood compatibility, waste management plan, vicinity map showing separation from schools. (Some uses require additional information such as water demand.)



Staff Recommendation



Recommendation

- Approve the CEQA Exemption;
- Adopt resolution to amend the General Plan, Titles 22 & 23;
- Adopt amendments to the Local Coastal Plan, Part II of the Framework for Planning – Coastal Zone, and Title 23 the Coastal Zone Lane Use Ordinance; and
- Adopt amendments to Title 22 the Land Use Ordinance of the County Code.



Proposed Order of Hearing

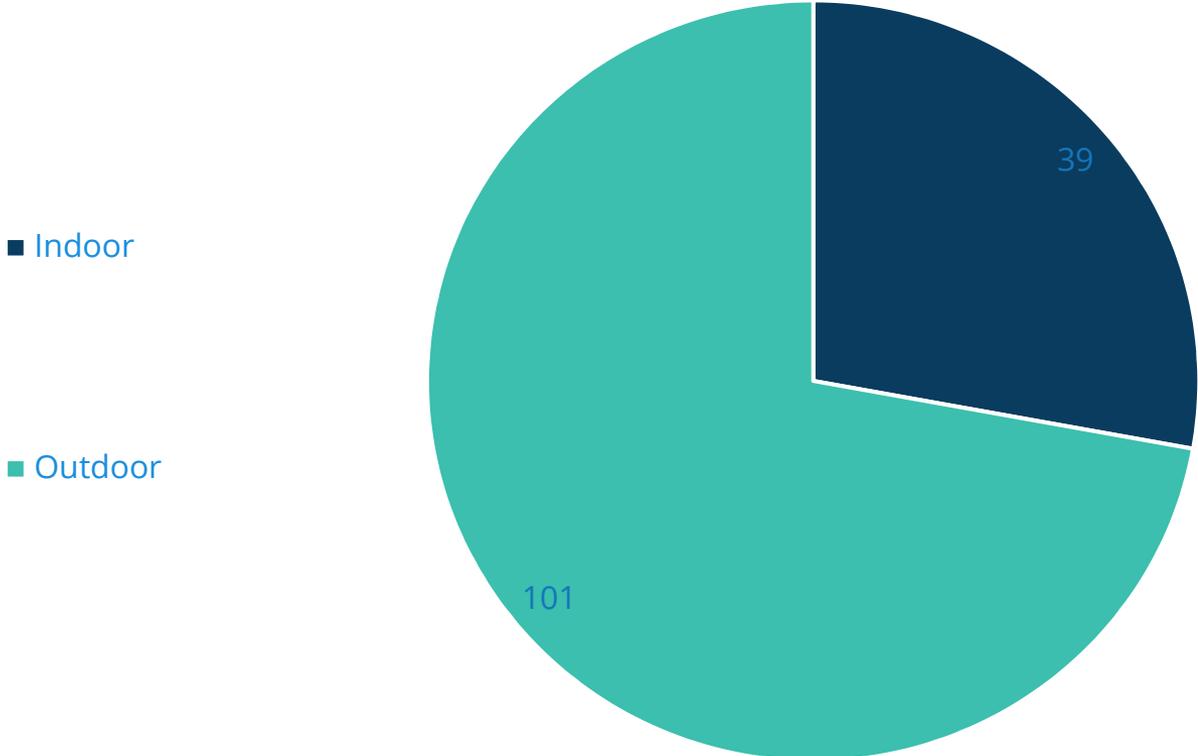
- Staff Presentation
- Board Questions
- Public Comments & Staff Response
- Board Discussion
 - Exemptions
 - Cultivation & Nurseries
 - Manufacturing
 - Dispensaries
 - Testing, Distribution
 - Requirements for All Cannabis Activities
 - OTHER
 - definitions, planning area standards, revocation/enforcement



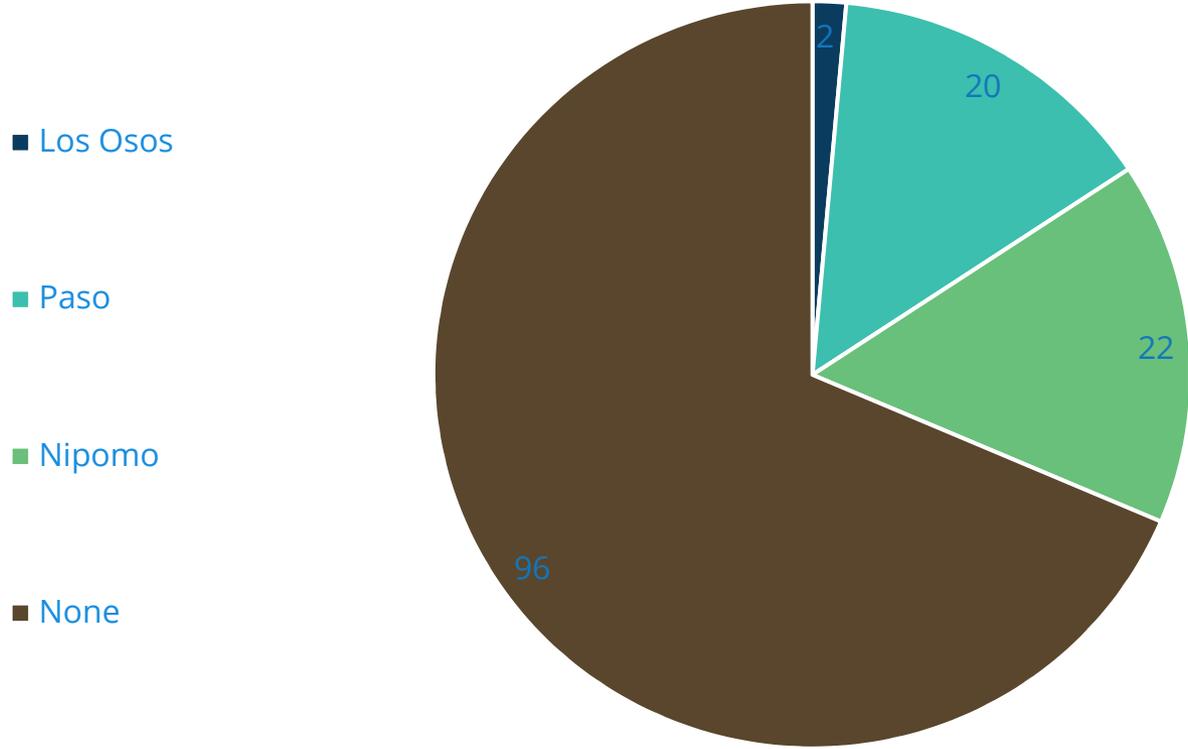


COUNTY OF SAN LUIS OBISPO

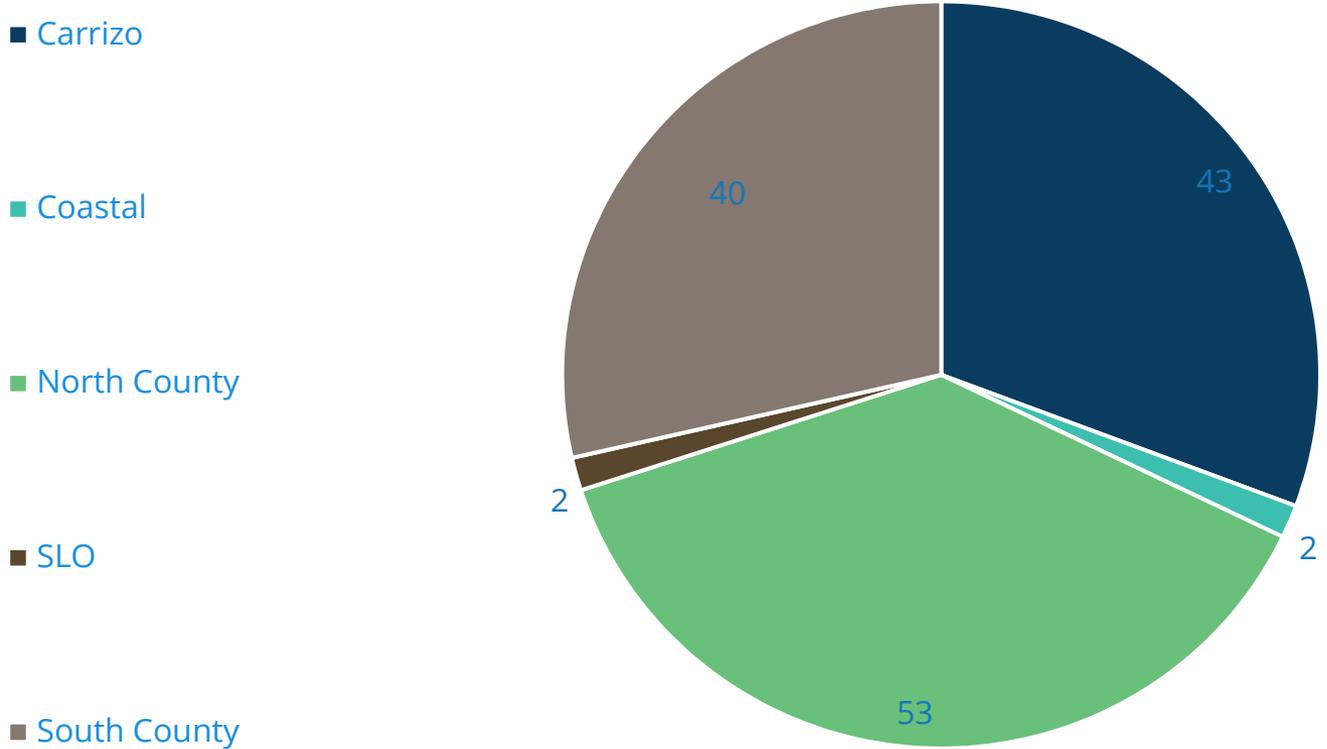
Registrations (excluding personal/caregiver) by Cultivation Type (140)



Registrations (excluding personal/caregiver) by LOS III Groundwater Basins (140)



Registrations (excluding personal/caregiver) by Planning Area (140)





COUNTY OF SAN LUIS OBISPO